

EDWARD LAROQUE AND OTHERS }  
 vs.  
 JOSEPH CANDOLLE. }

JULY TERM, 1852.

[COUNSEL FEES.]

COUNSEL fees for services rendered by a solicitor at the instance of an attorney in fact of the *cestui que trust*, will not be allowed out of the trust fund. The trustee will be allowed all his reasonable costs and expenses including money paid in properly taking the opinion, and procuring the direction and assistance of counsel in administering the trust, but this is the utmost extent to which the practice has been carried.

In this case, certain property was sold under a decree of this court, by Edward Laroque and Charles F. Mayer, trustees, and the only question decided, in the opinion of the Chancellor, below, arises upon the petition of James C. Ninde, filed in the cause on the 21st of June, 1852.

This petition alleges, in substance, that said Ninde was in 1843, employed by Joseph L. Bonnet, the attorney in fact of some of the parties interested in the property sold, residing in France, as solicitor to represent their interest in this cause, then pending, for the purpose of procuring a decree for the sale of said property. That he continued to render his services as such solicitor at various times from the period of his employment down to the month of June, 1851, when the power of attorney under which said Bonnet was authorized to act as attorney in fact for said parties was revoked. That he has never been paid for his said professional services, which he estimates at \$200, and prays for an allowance therefor out of the trust funds in the hands of the trustees.

This petition was resisted, and a general replication thereto entered, and evidence taken in support thereof, which it is not necessary to state, as the petition was dismissed upon other grounds stated in the following opinion of the Chancellor.]

THE CHANCELLOR :

The matter of the petition of Joseph C. Ninde being submitted by the parties under the order of the 22d of June last,